

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARTELL JONES,

Plaintiff,

v.

Case Number 22-11047

Honorable David M. Lawson

Magistrate Judge Kimberly G. Altman

HEIDI WASHINGTON, SHERMAN
CAMPBELL, BROCKWAY, PEEKS,
UNKNOWN LEE, UNKNOWN LINDBERG,
and JOHN DOE,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION,
DENYING MOTION TO DISMISS AS MOOT,
AND CONTINUING REFERRAL TO MAGISTRATE JUDGE

Presently before the Court is the report issued on April 20, 2023 by Magistrate Judge Kimberly G. Altman pursuant to 28 U.S.C. § 636(b), recommending that the Court deny as moot the defendants' motion to dismiss or alternatively for summary judgment. The deadline for filing objections to the report has passed, and no objections have been filed. The defendants' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the report and recommendation (ECF No. 32) is **ADOPTED**.

It is further **ORDERED** that the defendants' motion to dismiss or alternatively for summary judgment (ECF No. 27) is **DENIED as moot**.

It is further **ORDERED** that the case is returned to the magistrate judge under the original order of reference (ECF No. 13).

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: May 10, 2023